

Page 4 285121

3 June 1955

MEMORANDUM FOR: Deputy Chief, Payroll and Travel Branch,  
Finance Division

SUBJECT : Claim for Foreign Post Differential on  
Temporary Duty, Case of [ ]

REFERENCE : Your Memorandum, Same Subject, Dated 11 May 1955

1. In your memorandum you request the opinion of this Office as to whether [ ] is entitled to the foreign post differential for [ ] for the period 23 December 1951 to 22 June 1952 during which time he was assigned to temporary duty in [ ] from his permanent station in [ ]

2. At this time, the foreign post differential for [ ] was a 25% one and the foreign post differential for [ ] was a 10% one. Specifically the claim is for the difference between the differential in [ ] which apparently has been paid [ ] and that for [ ] Also at this time, and pursuant to the Standardized Government Post Regulations (Foreign Areas), persons were entitled to a foreign post differential if they were "on detail" to a differential country as this phrase was defined by paragraph 1.2H of those regulations. This phrase is also defined in part 21-451, section 350.1(g) of the Federal Personnel Manual. In relevant part, this section reads:

"'On detail' at a post of duty means performing temporarily, at a post other than the post of regular assignment, duties which involve carrying out functions of the post to which detailed . . ."

3. In the "request for payment" of the differential submitted by Mr. [ ] which is signed by the Chief of Administration of the FE Division, it is stated that [ ] was PCS in [ ] and was sent on TDY to [ ] for the period in question. This request further states that [ ] was "on detail" as required by paragraph 1.2H of the Standardized Post Differential Regulations (Foreign Areas), dated 1 July 1950. By this we presume it is meant that he was performing temporarily in [ ] duties which involved carrying out the functions of the [ ] not the [ ] station. Assuming this to be the case, and in view of the law and regulations applicable at the time, it is the opinion of this Office that Mr. [ ] is entitled to the difference between the post differential applicable to that applicable to [ ] for the period 23 December 1951 to 22 June 1952.

4. In your memorandum you stated it to be your understanding that there was an unpublished decision of the Comptroller General declaring the definition of "on detail", as provided by paragraph 1.2H of the Standardized Government Post Differential Regulations (Foreign Areas), to be illegal. This matter was discussed with representatives of the General Accounting Office and we are informed that such is not the case. Insofar as there was any question as to the definition of "on detail", it involved a portion of the definition of that phrase which does not bear on the present problem. Also the General Accounting Office did not question its legality, but raised some question as to its propriety. Since then the questioned portion of the definition has been revised.

15/  
[Redacted]  
Office of General Counsel

25X1

OGC:HF:ss

Distribution

Orig. & 1 - addressee

Subject

Signer

Chrono